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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,831	04/09/2004	Helmuth Gabl	ANDPAT/187/US	1396
2543	7590	12/09/2005	EXAMINER	
ALIX YALE & RISTAS LLP 750 MAIN STREET SUITE 1400 HARTFORD, CT 06103			SAVAGE, MATTHEW O	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/821,831	Applicant(s) GABL ET AL.	
	Examiner Matthew O. Savage	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-9-04</u> . | 6) <input type="checkbox"/> Other: ____. |

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of the first sidewall facing a flow of pulp suspension and a second sidewall facing away from the flow of pulp suspension as recited in claim 1, the limitation the first sidewall having a different number of protrusions than the second side wall as recited in claim 4, and limitation of the screen being in the form of a substantially cylindrical screen basket recited in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because the line marked II-II mentioned on line 6 of page 5 of the specification has not been shown in FIG. 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The disclosure is objected to because of the following informalities:

On line 6 of page 1 of the specification, --, now abandoned – should be inserted after "2001";

On line 27 of page 4 of the specification, the periods after "square" and "rectangular" should be changed to commas.

Appropriate correction is required.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With respect to the specification and drawings, it is unclear as to what point of reference is used to define "the angle alpha on the side facing away from the flow". In addition, it is unclear as to what dimensional aspect or point of reference is used to define the "clearance" of the "protrusions provided in the supporting element".

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of claim 1 is considered mis-descriptive since the screen in its final form does not include a clearance angle between the inner surface of the receptacle of the support element and the second sidewall of the rod. In addition, it is unclear as to which features of the inner surface of the receptacle and second sidewall of the rod define the "clearance angle".

With respect to claim 7, it is unclear as to how the screen mat can be cylindrical when it has been previously defined as being planar in independent claim 1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,768,783 to Lange.

With respect to claim 1, Lange discloses a screen including a plurality of rods 3, each of the rods having a plurality of side walls, a first side wall 8 facing a flow of pulp suspension, and a second side wall 9 facing away from the flow of pulp suspension, the

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side walls defining a protrusion (e.g., the curved surface portion), each protrusion having a circular shape, a rod-bearing supporting element 2a having a plurality of receptacles 4, each of the receptacles having an inner surface defining a recess having a shape which is complementary to the protrusion of the rod, wherein a portion of each rod being received within a receptacle and each protrusion of the rod is received within a recess of the supporting element, the rods and the rod-bearing supporting element form a substantially planar screen mat (see lines 7-13 of col. 3) and the inner surface of the receptacle defines a clearance angle α having a value greater than zero with the second sidewall of the rod (see lines 2-4 of col. 4). Lange fails to specify the protrusion as having a circular shape having a radius r of $0.1 \text{ mm} < 2 \text{ mm}$, however, such a modification would have been obvious in order to optimize the strength of the connection between the rods 2 and rod-bearing supporting element.

Concerning claim 2, Lange discloses each of the rods 3 as having an imbedded end and the rods having a plurality of protrusions (e.g., one semicircular protrusion on each side of the rod 3), the protrusions being positioned at a distance from the imbedded end of the rod (e.g., taking an outer chord section of the protrusion). Lange fails to specify the distance from the embedded end of the rod as being $0.1 \text{ mm} < h_1 < 6 \text{ mm}$, however, such a modification would have been obvious in order to optimize the strength of the connection between the rods 3 and rod-bearing supporting element 2a.

Regarding claim 3, Lange discloses a rod having three protrusions received in recesses in the inner surface of the receptacle of the supporting element (e.g., in the

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case that the right, left, and bottom chord sections of the curved portion of the rod are considered protrusions.

Concerning claim 4, Lange discloses each of the first and second sidewalls as having protrusions (e.g., the right and left hand chord sections of the curved portion of the rods being considered protrusions) but fails to specify the first sidewall as having a different number of protrusions than the second side wall, however, the mere duplication of parts/semicircular protrusions is not considered to be patently significant unless a new and unexpected result is produced (see *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960)).

With respect to claim 5, Lange fails to specify the limitation of the supporting elements as having the T-shape, however, such changes in shape are considered obvious absent any persuasive evidence that such configurations are structurally significant (see *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)).

Concerning claim 6, Lange fails to specify the ratio of the embedded portion of the rod to the height of the rod as being greater than .5, however, however, such a modification would have been obvious in order to optimize the strength of the connection between the rods 3 and rod-bearing supporting element 2a.

As to claims 8-10, Lange fails to specify the clearance angle α being 1-10 degrees, two to five degrees, or substantially equal to five degrees, however, however, such a modification would have been obvious in order to optimize the strength of the connection between the rods 3 and rod-bearing supporting element 2a.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,090,721 to Lange.

With respect to claim 1, Lange discloses a screen including a plurality of rods 3, each of the rods having a plurality of side walls, a first side wall (e.g., the left hand wall in FIG. 1) facing a flow of pulp suspension, and a second side wall (the right hand wall) facing away from the flow of pulp suspension, the side walls defining a protrusion (e.g., the curved surface portion), each protrusion having a circular shape, a rod-bearing supporting element 1' having a plurality of receptacles 2, each of the receptacles having an inner surface defining a recess having a shape which is complementary to the protrusion of the rod, wherein a portion of each rod being received within a receptacle and each protrusion of the rod is received within a recess of the supporting element, the rods and the rod-bearing supporting element form a substantially planar screen mat (see lines 7-10 of col. 4) and the inner surface of the receptacle defines a clearance angle alpha having a value greater than zero with the second sidewall of the rod (see lines 1-48 of col. 3). Lange fails to specify the protrusion as having a circular shape having a radius r of $0.1 \text{ mm} < 2 \text{ mm}$, however, such a modification would have been obvious in order to optimize the strength of the connection between the rods 2 and rod-bearing supporting element 1.

Concerning claim 2, Lange discloses each of the rods 2 as having an imbedded end and the rods having a plurality of protrusions (e.g., one semicircular protrusion on each side of the rod 2), the protrusions being positioned at a distance from the imbedded end of the rod (e.g., taking an outer chord section of the protrusion). Lange

fails to specify the distance from the embedded end of the rod as being $0.1 \text{ mm} < h_1 < 6 \text{ mm}$, however, such a modification would have been obvious in order to optimize the strength of the connection between the rods 2 and rod-bearing supporting element.

Regarding claim 3, Lange discloses a rod having three protrusions received in recesses in the inner surface of the receptacle of the supporting element (e.g., in the case that the right, left, and bottom chord sections of the curved portion of the rod are considered protrusions).

Concerning claim 4, Lange discloses each of the first and second sidewalls as having protrusions (e.g., the right and left hand chord sections of the curved portion of the rods being considered protrusions) but fails to specify the first sidewall as having a different number of protrusions than the second side wall, however, the mere duplication of parts/semicircular protrusions is not considered to be patently significant unless a new and unexpected result is produced (see *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960)).

With respect to claim 5, Lange fails to specify the limitation of the supporting elements as having the T-shape, however, such changes in shape are considered obvious absent any persuasive evidence that such configurations are structurally significant (see *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)).

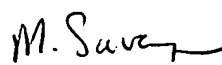
Concerning claim 6, Lange fails to specify the ratio of the embedded portion of the rod to the height of the rod as being greater than .5, however, however, such a modification would have been obvious in order to optimize the strength of the connection between the rods 2 and rod-bearing supporting element.

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Regarding claim 7, Lange discloses the screen mat as being rolled to form a substantially cylindrical screen basket and each of the rods as having an imbedded portion pressed together with the supporting element (see lines 6-16 of col. 3).

As to claims 8-10, Lange fails to specify the clearance angle α being 1-10 degrees, two to five degrees, or substantially equal to five degrees, however, however, such a modification would have been obvious in order to facilitate insertion of the rods 2 into rod-bearing supporting element 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.


Matthew O Savage
Primary Examiner
Art Unit 1724

mos
December 6, 2005